IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ROBIN G. THORNTON, on behalf of
herself and others similarly situated, and
WENDY IRBY, on behalf of herself and
Others similarly situated,

        Plaintiffs,

v.   1:20-cv-01040-JB-LF

THE KROGER COMPANY and
PAY AND SAVE, INC.

        Defendants.

<u>ORDER TO SHOW CAUSE AND FOR STATUS REPORT</u>

This matter is before the Court *sua sponte*. This Court set a telephonic status conference to take place on June 6, 2022, at 10:00 a.m. Doc. 161. The record indicates that the order was emailed through the CM/ECF system to defendant's counsel, Ethan M Preston at ep@eplaw.us, A. Blair Dunn at abdunn@ablairdunn-esq.com, warba.llp@gmail.com, and warba.llp.jared@gmail.com, Marshall J Ray at mray@mraylaw.com, and superadmin@mraylaw.com, and Jared Robert Vander Dussen at warba.llp.jared@gmail.com, and warba.llp.tammy@gmail.com, and there is no indication that plaintiffs' counsel did not receive the order setting the telephonic conference.[1] Plaintiffs' counsel did not attend the telephonic conference on behalf of plaintiffs in violation of the Court's order. *See* Doc. 166.

IT IS THEREFORE ORDERED that plaintiffs' counsel, Ethan M Preston, A. Blair Dunn, Marshall J Ray, and Jared Robert Vander Dussen, must provide the Court with a written explanation showing good cause why they should not be sanctioned for failing to attend the

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[1] In addition, Judge Fashing's clerk called Mr. Dunn and Mr. Vander Dussen, Mr. Ray, and Mr. Preston at the time of the conference. There was no answer at Mr. Dunn and Mr. Vander Dussen's office. The clerk left a voice message for Mr. Ray and Mr. Preston advising of their required appearance at the status conference.

previously scheduled status conference.   In addition, plaintiffs' counsel will provide the Court

with a written status report advising whether plaintiffs believe the settlement conference set for

July 7, 2022, should go forward or be vacated and reset at a later date, on or before Friday, June

10, 2022.

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Laura Fashing
United States Magistrate Judge